

## REMARKS

Claims 5-8, 13-17, and 44-47 are pending.

Claims 1-3, 9-12, and 18-43 are herein canceled without prejudice or disclaimer. Applicants reserve the right to file one or more continuing applications to the canceled subject matter.

Claims 44-47 are newly added. Claim 44 is added to characterize the claimed tuber as obtained from a potato plant that has been transformed with a particular *Agrobacterium* construct. This construct is in turn characterized in claim 44 as containing a desired polynucleotide flanked by the plant DNA sequence of SEQ ID NO. 93. The subject matter pertinent to the construct was patented in the parent application of the present case which issued as United States Patent No. 7,534,934. See, for instance, claim 1 of the '934 patent.

Claims 45 and 47 are added to qualify the tuber of claims 4 and 13 as having a downregulated expression of the R1 gene. Targeting and downregulating R1 expression is taught throughout the present specification. See, for instance, paragraphs [0291] ("The present invention demonstrates that a reduction of cold-induced sweetening by lowering R1 or phosphorylase activity leads to a reduction of both non-enzymatic browning and acrylamide accumulation during the frying process of potatoes"); and [0295] ("Thus, PPO, R1, and phosphorylase genes, and/or the leader or trailer sequences that are associated with these genes, represent DNA segments of interest that can be isolated, modified and reintroduced back into the plant to down-regulate the expression of these genes").

Claim 46 is added to qualify that the desired polynucleotide of the *Agrobacterium* construct comprises a sequence complementary to at least part of a potato R1 gene. This embodiment is also supported by the present specification. See, for instance, the teaching at paragraph [0295] (*supra*).

Since none of these amendments introduce new matter, Applicants respectfully request their entry into the record and present Listing of the Claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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